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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,806	02/06/2004	Augustin Hittinger	FRAV2003/0004 US NP	8462
5487	7590	09/10/2008		
ANDREA Q. RYAN SANOFI-AVENTIS U.S. LLC 1041 ROUTE 202-206 MAIL CODE: D303A BRIDGEWATER, NJ 08807			EXAMINER SEAMAN, D MARGARET M	
			ART UNIT 1625	PAPER NUMBER
			NOTIFICATION DATE 09/10/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Claim Rejections - 35 USC § 101

The rejection of claims under 35 USC § 101, as stated in paper dated 4/29/08, is withdrawn due to applicant's amendments and arguments in paper dated 7/18/2008.

Claim Rejections - 35 USC § 112

The rejection of claims under 35 USC § 112, as stated in paper dated 4/29/2008 is withdrawn due to applicant's arguments and amendments in paper dated 7/18/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 1625

3. Claims 12-14, 16, 19-23, 26 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denny and Atwell. In paper dated 4/29/2008, the claims were rejected under 35 USC 102(b). However, due to applicant's amendments in paper dated 7/18/2008, the rejection has been changed to a 103, obviousness type rejection.

Atwell teaches compounds such as

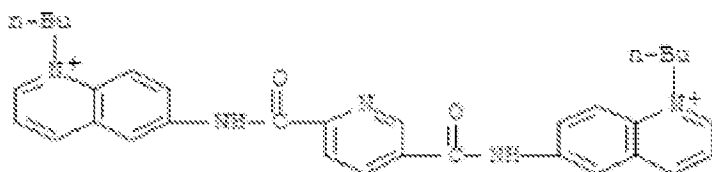


TABLE IV*

I				
Calcd. %				
C	H	N	S	C
74.6	4.3	13.4		74.65
61.8	5.4		7.5	62.0
64.7	5.9		7.2	64.3

II				
Calcd. %				
C	H	N	S	C
74.6	4.3	13.4		74.6
61.8	5.4		7.5	61.8
64.7	5.9		7.2	64.4

III				
Calcd. %				
C	H	N	S	C
74.6	4.3	13.4		75.0
61.8	5.4		7.5	61.4
62.85	5.9		7.6	62.8

IV				
Calcd. %				
C	H	N	S	C
74.6	4.3	13.4		74.65
61.8	5.4		7.5	62.0
64.7	5.9		7.2	64.3

and . This shows that Atwell teaches the meta- and para- substituents on the phenyl rings of his compounds as well as the para- substituents on the pyridine ring (i.e. wherein A is pyridine). Although this does not teach the meta-substituted pyridine, this teaches the equivalence of meta- and para- substituted rings equivalent to the instantly claimed A. Due to this, it would have been obvious to one of ordinary skill in the art at the time of the invention that either the meta or para substituted A moiety would be equivalent. Rationale: Atwell teaches the equivalence of the meta and para substituted equivalent to A when A is phenyl and

then teaches that the equivalent to A is also pyridine. The combination of the teaching would have been obvious to one of ordinary skill in the art.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Margaret Seaman whose telephone number is 571-272-0694. The examiner can normally be reached on 730am-4pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Margaret Seaman/
Primary Examiner, Art Unit 1625

D. Margaret Seaman
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Art Unit 1625